HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.18045 of 1997

Dated 9th Day of February, 2007

Between:

K.Ramachandra Raju
and five others ..
Petitioners

And

The District Collector, Chittoor
District and two others. ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in interfering with the lawful possession of the petitioners' plots of an extent of Ac.0.05 cents each in S.No.514/1 situated in Perur village, as illegal and arbitrary.

The brief facts of the case are that since the date of appointment of the petitioners in Indian Air Force, they have been working as Sergeants and Havaldars in N.C.C. Office, S.V. University Campus, Tirupati, Chittoor District and are entitled to Ac.0.05 cents of land for house-site and Ac.5.00 cents of Agricultural land each. When they made applications for house-site pattas for Plot Nos.1,2,4,5,6 and 7, the Tahsildar, Chandragiri, granted pattas to them on 21.9.1983. Now, the petitioners' grievance is that when they wanted to construct houses in their plots, the 3rd respondent objected them and interfered with their lawful possession of the plots.

A detailed counter affidavit is filed wherein it is stated that the alleged pattas/certificates granted in favour of the petitioners are bogus and the petitioners were neither granted any pattas nor issued any certificates at any point of time. It is also stated that one of the petitioners was served with a notice wherein he was directed to appear before the Mandal Revenue Officer to produce original of the patta/certificate, but he failed to do so.

Heard the learned counsel for both the parties.

From the averments of the counter affidavit, it is clear that it was only on K.Ramachandra Raju i.e. the 1st petitioner, the notice was served and the other petitioners were not served with any notice for production of their pattas/certificates for verification. As interim stay of all further proceedings was granted at the time when Rule Nisi was ordered, this Court is of the view that the petitioners can as well be directed to appear before the 3rd respondent-Mandal Revenue Officer within a period of four weeks from the date of receipt of a copy of this order and produce their pattas/certificates and establish that they are genuine. The 3rd respondent is hereby directed to hold an enquiry into the genuineness of those pattas/certificates and pass appropriate orders. Pending consideration of the matter, the petitioners shall not be dispossessed.

With the above direction, the writ petition is disposed of. No costs.

_____

09.02.2007

bcj